Cambridge International AS & A Level

**Cambridge International Examinations**
Cambridge International Advanced Subsidiary and Advanced Level

**LAW** **9084/22**

Paper 2 Data Response **October/November 2014**

**1 hour 30 minutes**

Additional Materials: Answer Booklet/Paper

*0227363711*

**READ THESE INSTRUCTIONS FIRST**

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.
Write your Centre number, candidate number and name on all the work you hand in.
Write in dark blue or black pen.
Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **one** question.

At the end of the examination, fasten all your work securely together.
The number of marks is given in brackets [ ] at the end of each question or part question.

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Answer **either** Question 1 **or** Question 2.

You should make appropriate reference to the source material supplied for each question.

**1** Trudie, aged 15, loves exotic animals and has a number of pets. Amongst these she has two small and sociable South American guinea pigs and a chimpanzee named Clyde. She keeps the guinea pigs in cages in her back garden and Clyde runs freely in the house.

Yesterday, Jason and his daughter Narvaz, aged 3, came to visit Trudie and her parents. Narvaz went into the garden and let the guinea pigs out of their cages in order to play with them. She was bitten severely by one of the guinea pigs and ran into the house, screaming. As a result, Clyde became frightened and bit Jason as he went to comfort Narvaz.

**(a)** Consider whether Trudie's guinea pigs can be described as dangerous animals in the British Isles. [10]

**(b)** Consider whether Clyde can be described as a dangerous animal in the British Isles. [10]

**(c)** Jason wants to take legal action against Trudie. Explain whether this is the correct course of action for Jason to take. [10]

**(d)** If Jason decides to take legal action in the courts, explain where and how he would start proceedings. Evaluate the merits of the various alternative courses of action that he could take. [20]

**Source Material**

**The Animals Act 1971**

s.2 Liability for damage done by dangerous animals

(1) where any damage is caused by an animal which belongs to a dangerous species, any person who is a keeper of the animal is liable for the damage, except as otherwise provided by this Act

s.6(2) – a dangerous species is a species:-

(a) which is not commonly domesticated in the British Isles;

and

(b) whose fully grown animals normally have such characteristics that they are likely, unless restrained, to cause severe damage or that any damage they may cause is likely to be severe.

s.6(3) – a person is a keeper of an animal if:

(a) he owns the animal or has it in his possession; or

(b) he is the head of a household of which a member under the age of sixteen owns the animal or has it in his possession.

**Behrens v Bertram Mills Circus Ltd 1957**

Mr and Mrs Behrens ran a stall in a fun fair operated by the owners of a circus. The elephants passed the stall as they were taken into the ring for the performance. One, known as Bullu, was frightened by a small dog and in its fright trampled the stall, injuring Mr and Mrs Behrens. Held: although Bullu was described as being 'no more dangerous than a cow', it was a dangerous animal and the circus owners had an absolute duty to control it and prevent damage.

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**2** Desi was seen late at night, examining the padlock on the door of a warehouse. He saw that he was being watched and ran off. Later, his car was found parked near the warehouse. The car contained a large screwdriver and cutting equipment. Desi was later arrested.

Meanwhile Desi's friends Jack and Lenny were in a nearby street trying to break into a factory. Before Jack managed to break the lock on the front gate, an alarm alerted the police and Jack was arrested. Lenny climbed in through an open window at the rear, grabbed a number of mobile phones, and ran away. He was arrested later by the police.

**(a)** Consider with reasons whether Desi can be charged with a criminal offence. [10]

**(b)** Consider with reasons whether Jack can be charged with a criminal offence. [10]

**(c)** Consider with reasons whether Lenny can be charged with a criminal offence. [10]

**(d)** Examine and critically analyse the role of the judge and jury in a criminal trial. [20]

**Theft Act 1968**

s.9
(1) A person is guilty of burglary if—
  (a) he enters any building or part of a building as a trespasser and with intent to commit any such offence as is mentioned in subsection (2) below; or
  (b) having entered any building or part of a building as a trespasser he steals or attempts to steal anything in the building or that part of it or inflicts or attempts to inflict on any person therein any grievous bodily harm.

(2) The offences referred to in subsection (1)(a) above are offences of stealing anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm …therein, and of doing unlawful damage to the building or anything therein…

**The Criminal Attempts Act 1981**

s.1 (1) If, with intent to commit an … offence … a person does an act which is more than merely preparatory to the commission of the offence, he is guilty of attempting to commit the offence.

**R v Campbell [1991]**

Campbell was in disguise, carrying a gun and a threatening note. He was stopped just outside the door of the post office he planned to rob. The Court of Appeal quashed his conviction for attempted robbery, saying his acts could be regarded as merely preparatory until he entered the building.

**R v Boyle and Boyle [1987]**

The defendants broke the lock and hinge on a door, but were arrested before they could enter the building. Their conviction for attempted burglary was affirmed by the Court of Appeal. Breaking down the door was more than merely preparatory to "entry as a trespasser": it was the start of the substantive crime.

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